

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BLACKS IN TECHNOLOGY
INTERNATIONAL,

Plaintiff,

V.

GREGORY GREENLEE, DENNIS
SCHULTZ, AND BLACKS IN
TECHNOLOGY, LLC,

Defendants.

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Cause No. 3:20-CV-03008-X

PLAINTIFF'S MOTION FOR SANCTIONS

COMES NOW Plaintiff Blacks in Technology International and files this Motion for Sanctions, and states as follows:

Plaintiff seeks sanctions against Defendants Blacks in Technology, LLC (“BIT, LLC”) and Greg Greenlee (“Greenlee”) (collectively “Defendants”) for their failure to produce documents according to an agreement between the parties, embodied in a Stipulation, attached hereto as Exhibit 1. Defendants’ failure to abide by the terms of the Stipulation have hindered Plaintiff’s ability to prosecute its case, caused delays in additional discovery, and required Plaintiff’s counsel to expend additional time addressing the matter with Plaintiff and Defendants’ counsel.

The relevant history is as follows:

On January 22, 2021, Plaintiff served Defendants with Plaintiff's First Request for Production of Documents. On or about March 1, 2021, Defendants served their Responses. See Exhibit 2. Along with their Response, Defendants served documents, purportedly responsive to Plaintiff's Request for Production. Plaintiff's Request for Production related to the activities of

BIT, LLC. Defendants, however, produced records related to a separate legal entity not a party to this action, Blacks In Technology Foundation (the “Foundation”).

On June 21, 2021, Plaintiff and Defendants requested this Court stay certain discovery matters while the parties attempted to (a) complete limited discovery amongst themselves and (b) attend a mediation in hopes of resolving the matter. Plaintiff and Defendants executed a Stipulation to embody the terms of their agreed limited discovery. See Exhibit 1, *supra*. Discovery production was to occur on July 1, 2021 with the mediation scheduled for July 8, 2021.

Pursuant to the Stipulation, BIT, LLC was to produce its bank statements as well as email correspondence associated with an email address previously used by Plaintiff. Defendants also agreed to produce additional bank statements for the Foundation that cover a period not previously produced. On July 1, 2021, BIT, LLC produced some documents but the documents did not satisfy the production required by the Stipulation. Specifically, BIT, LLC did not produce its bank statements. Instead, BIT, LLC produced a document that appears to be generated from an online banking system. A “bank statement” is a monthly report from a bank, not a report generated from a website by the account holder using search parameters determined by the account holder. A “bank statement” is harder to manipulate whereas an online report may be altered in any number of ways. Additionally, Defendants also produced no bank statements for the Foundation. Lastly, while some emails were produced, upon information and belief, other communications occurred with the email address Plaintiff previously used and those additional conversations were not produced.

As a result of the insufficient production, Plaintiff was required to cancel the scheduled mediation. Plaintiff also has expended significant time reviewing the documents produced and

working with Plaintiff's counsel to address these matters. Finally, Plaintiff has a July 30, 2021 deadline to produce an expert report. Plaintiff fully intended its expert would rely on the documents the parties agreed would be produced.

As of the filing of this Motion, Defendants have not produced the documents they agreed to produce, necessitating the filing of this motion. Accordingly, Plaintiff requests this Court issues a Show Cause Order requiring Defendants to establish why they should not be sanctioned. Additionally, Plaintiff requests the Court order Defendants to produce the documents according to the Stipulation as well as grant Plaintiff until August 30, 2021 (or thirty (30) days after Defendants' production, whichever is later) to provide Plaintiff's expert report. Further, Plaintiff requests this Court permit Plaintiff to respond to Defendant's Motion for Protective Order on July 30, 2021 and permit the parties to resume discovery without further delay. Lastly, Plaintiff request its attorneys' fees incurred in connection with this Motion for Sanctions.

Wherefore, premises considered, Plaintiff Blacks in Technology International requests this Court grant Plaintiff's Motion for Sanctions, issue a Show Cause Order requiring Defendants to establish why they should not be sanctioned and, thereafter, order Defendants to produce the documents according to the Stipulation as well as grant Plaintiff until August 30, 2021 (or thirty (30) days after Defendants' production, whichever is later) to provide Plaintiff's expert report, permit Plaintiff to respond to any outstanding discovery motions by July 30, 2021, direct the parties to resume discovery, and grant Plaintiff its attorneys' fees incurred in connection with this Motion for Sanctions.

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFF
BLACKS IN TECHNOLOGY
INTERNATIONAL**

CERTIFICATE OF CONFERENCE

I certify that counsel for Plaintiff conferred with counsel for Defendants Gregory Greenlee and Blacks in Technology, LLC regarding the items addressed in Plaintiff's Motion for Sanctions. Defendants oppose Plaintiff's Motion for Sanctions.

s/Michael E. Coles
Michael E. Coles

CERTIFICATE OF SERVICE

I certify a true and correct copy of the foregoing document was served on all counsel of record via the electronic filing system, and upon Defendant Dennis Schultz via electronic mail at dschultz1973@gmail.com, on the 13th day of July 2021.

s/Michael E. Coles
Michael E. Coles